

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 5/24/2012

Action Requested By:  
Finance

Agenda Item Type  
Resolution

Subject Matter:

Approval of agreement

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Change #1 to the agreement with Building Construction Associates with architectural support from Matheny Goldman Architects for the Von Braun Center ADA Modifications.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Routine Procurement Function: Change order #1 will increase contract in the amount of \$19,896.00.

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_



Date: 5/24/12

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Finance**

Council Meeting Date: **5/24/2012**

Department Contact: **Cecilia Summers**

Phone # **427-5060**

Contract or Agreement: **Agreement with Building Construction Associates Change Order #1**

Document Name: **20120524buildConstpro**

City Obligation Amount:

Total Project Budget:

**679,696.00**

Uncommitted Account Balance:

Account Number:

## Procurement Agreements

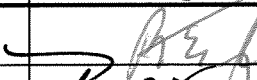
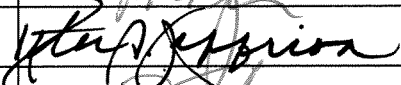

**Title 41**

**Competitive**

## Grant-Funded Agreements

**Not Applicable**

**Grant Name:**

Department	Signature	Date
1) Originating		<b>5/22/12</b>
2) Legal		<b>5-23-12</b>
3) Finance		<b>5/22/12</b>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

**RESOLUTION NO. 2012-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Building Construction Associates, Inc. with architectural support from Matheny Goldmon Architects for the Von Braun Center ADA Compliance Modifications, approved and executed by the City of Huntsville, Huntsville, Alabama on the 24<sup>th</sup> day of May, 2012, be and the same is hereby amended as is reflected on Change Order Number 1 attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount is amended from Six Hundred Fifty Nine Thousand Eight Hundred Dollars and No/100s (659,800.00) to six Hundred Seventy Nine Thousand Six Hundred Ninety Six Dollars and No/100s (679,696.00) including this Change Order Number 1 in the amount of Nineteen Thousand Eight Hundred Ninety Six Dollars and No/100s (19,896.00), and said Change Order is substantially in words and figures as attached hereto and identified as "Change Order Number 1" to the contract for the Von Braun Center ADA Compliance Modifications consisting of three pages (3), including Summary Sheet together with the signature of the City Council President and an executed copy of said document being permanently kept on file in the office of the City Clerk Treasurer of the City of Huntsville, Alabama.

**ADOPTED** this the 24th day of May, 2012.

\_\_\_\_\_  
President of the City Council of  
The City of Huntsville, Alabama

**ADOPTED** this the 24th day of May, 2012.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

CITY OF HUNTSVILLE, ALABAMA

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

DATE: May 8, 2012

PROJECT: Von Braun Center- ADA Compliance Modifications

TO: Building Construction Associates

(Contractor)

**TERMS:** You are hereby authorized, subject to the provisions of your contract for this project, to make the following changes thereto in accordance with the attached Change Order Request and supporting documents and to

**FURNISH** the necessary labor, materials and equipment to Complete Change Order Request #'s 1, 2, 3, 5, 6, 7, 8, 9, 15, 17, 18 (Description of work to be done or changes to be made).

TOTAL ADDITION OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions).

For this Change \$ 19,896.00	\$ 19,896.00
ORIGINAL CONTRACT PRICE	\$ 659,800.00
Net total previous Change Orders	\$ 0.00
Previous revised Contract Price	\$ 659,800.00
This Change Order No. 1 ADD (DEDUCT)	\$ 19,896.00
Revised Contract Price this date	\$ 679,696.00

Extension of time resulting from this Change Order N/A (Indicate number of calendar days).

The amount of this Change Order will be the responsibility of City of Huntsville

This contract modification constitutes full and mutual accord and satisfaction for all time and all cost related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all right to file any father claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract.

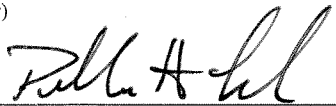
The Contractor and Owner(s) hereby agree to the terms of this Change Order as contained herein.

CONSENT OF SURETY

CONTRACTING PARTIES

Merchants Bonding Company  
(Company)


Building Construction Associates  
(Contractor)

By   
(Authorized Representative)

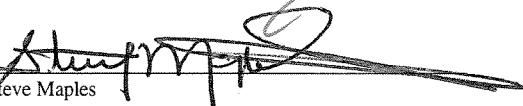
By   
(Authorized Representative)

RECOMMENDED

CITY OF HUNTSVILLE, ALABAMA

By   
H. Paul Matheny  
Matheny Goldman Architects

By \_\_\_\_\_  
(Its Mayor)

By   
Steve Maples  
Von Braun Center - Executive Director

By \_\_\_\_\_  
(President of City Council)

By   
Johnny Hunkapiller  
Von Braun Center - Director of Projects

Date \_\_\_\_\_

**MERCHANTS**  
**BONDING COMPANY**  
**POWER OF ATTORNEY**

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

**Gregory E Nash; Kelly L Berry; Phillip H Condra**

of Nashville and State of TN their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

**NINE MILLION (\$9,000,000.00) DOLLARS**

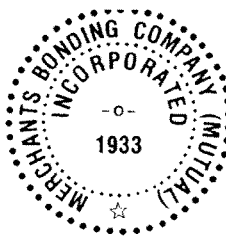
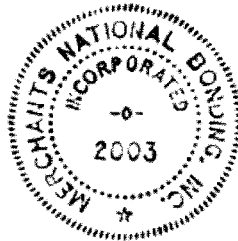
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 1st day of January, 2012.



MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By

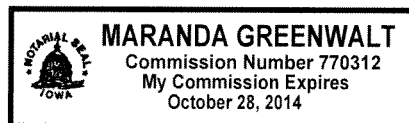
*Larry Taylor*

President

STATE OF IOWA  
COUNTY OF POLK ss.

On this 1st day of January, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



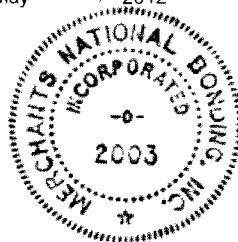
*Maranda Greenwalt*

Notary Public, Polk County, Iowa

STATE OF IOWA  
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 14th day of May, 2012.



*William Warner Jr.*

Secretary

POA 0014 (11/11)

## ADA Compliance Modification

### Change Orders

✓ COR # 1	\$340.00
✓ COR # 2	\$3,900.00
✓ COR # 3	\$2,200.00
✓ COR # 5	\$2,600.00
✓ COR # 6	\$1,400.00
✓ COR # 7	\$875.00
✓ COR # 8	\$525.00
✓ COR # 9	\$1,050.00
✓ COR # 15	\$780.00
✓ COR # 17	\$3850.00
✓ COR #18	\$2,376.00

Total: \$19,896.00